

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

MARTHA BERNDT,
Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,
Defendants.

Case No. 03-cv-03174-NJV

VERDICT FORM

We, the jury in the above-entitled action, find the following:

Plaintiff Berndt's Title VII Hostile Work Environment Claim against Defendant CDCR

Question No. 1

Did Plaintiff Martha Berndt prove, by a preponderance of the evidence, that she was subjected to a sexually hostile work environment because of inmate sexual misconduct?

Yes ____ No ____

If you answered “yes,” go to Question No. 2. If you answered “no,” skip Questions 2 through 4, and go to Question No. 5.

Question No. 2

Did Plaintiff Martha Berndt prove, by a preponderance of the evidence, that Defendant California Department of Corrections and Rehabilitation (“CDCR”) knew or should have known of the hostile work environment?

Yes ____ No ____

If you answered “yes,” go to Question No. 3. If you answered “no,” skip Questions 3 through 4, and go to Question No. 5.

Question No. 3

Did Plaintiff Martha Berndt prove, by a preponderance of the evidence, that Defendant CDCR failed to take prompt, effective remedial action in response to the hostile work environment?

Yes ____ No ____

If you answered “yes,” go to Question No. 4. If you answered “no,” skip Question No. 4 and go to Question No. 5.

Question No. 4

Did Plaintiff Martha Berndt prove, by a preponderance of the evidence, that she suffered actual injury, damage or harm caused by the acts or omissions of Defendant CDCR?

Yes ____ No ____

Plaintiff Berndt's Equal Protection Claim against Defendant Skerik

Question No. 5

Did Plaintiff Martha Berndt prove, by a preponderance of the evidence, that Defendant David Skerik personally participated in discriminating against her based on her gender, or set in motion a series of acts by others which he knew or reasonably should have known would cause others to discriminate against her based on her gender?

Yes ____ No ____

If you answered “yes,” go to Question No. 6. If you answered “no,” skip Questions Nos. 6 and 7, and go to Question No. 8.

Question No. 6

Did Plaintiff Martha Berndt prove, by a preponderance of the evidence, that Defendant David Skerik intentionally discriminated against her based on her gender?

Yes ____ No ____

If you answered “yes,” go to Question No. 7. If you answered “no,” skip Question No. 7, and go to Question No. 8.

Question No. 7

Did Plaintiff Martha Berndt prove, by a preponderance of the evidence, that she is entitled to monetary damages as a result of the acts of Defendant David Skerik?

Yes ____ No ____

Question No. 8

State the total amount of compensatory damages, if any, that you find Plaintiff Martha Berndt is entitled to recover against the Defendant or Defendants you found liable. If you did not find Defendant CDCR or Defendant Skerik liable in question No. 4 or No. 7, please sign and date the verdict form and return it to the Courtroom Deputy Clerk.

Economic loss \$ _____

Non-economic loss \$ _____

(including, but not limited to, physical, mental, or emotional pain and suffering)

Question No. 9

Did Plaintiff Martha Berndt prove, by a preponderance of the evidence, that Defendant David Skerik acted with malice, oppression, or reckless disregard of her constitutional rights?

Yes ____ No ____

Please sign and date the form, and return the form to the Clerk.

Dated:

JURY FOREPERSON